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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/666,372	09/19/2003	Marc Holness	NOR-034 (15632RO)	8497

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EXAMINER

ABELSON, RONALD B

ART UNIT	PAPER NUMBER
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2616

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07/31/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/666,372

Applicant(s)

HOLNESS ET AL.

Examiner

Ronald Abelson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 June 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10, 11 - 18, and 20 is/are rejected.
- 7) ☒ Claim(s) 1-9 and 19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 June 2005 and 19 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date. _____ | 6) <input type="checkbox"/> Other: _____ |

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Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 10, 11, 13 - 18, and 20 rejected under 35 U.S.C. 103(a) as being unpatentable over Viswanathan (US 7,065,037) in view of Watanabe (US 20010004352) and Lim (US 7,221,674).

Regarding claims 10 and 20, Viswanathan teaches an optical network (Sonet, col. 2 col. 2 lines 18-20) for supporting a service provided by a service provider over a dedicated circuit (virtual connection, col. 1 lines 52 - 58) between service termination points (user A and user B, col. 1 lines 52 - 58), the optical network comprising first and second network elements each disposed in the dedicated circuit of the service, the first network element sending a message to the second network element over an optical transport facility using a service management

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channel / virtual connection, capable of carrying the message across a network-to-network interface (once connection established, data exchanged user A and user B, col. 1 lines 59-60).

Viswanathan is silent on the message conveying service-specific information related to a performance of the service over the dedicated circuit.

Watanabe teaches a message conveying service specific information related to a performance of the service over the Connection (information about the current data sending quality is sent from sending terminal to receiving terminal, [0110]).

Therefore it would have been obvious to one of ordinary skill in the art, to modify the system of Viswanathan by conveying service specific information related to a performance of the service over the dedicated circuit, as suggested by Watanabe. This modification can be performed according to the teachings of Watanabe. This modification would benefit the system by having the transmitting terminal inform the receiving terminal of the service quality of the data that it is receiving so that the receiving terminal can process the data accordingly.

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The combination is silent on identifying the service to which the service-specific information in the message pertains.

Lim teaches identifying the service to which the service-specific information in the message pertains (frame header, data type, col. 4 lines 20-22).

Therefore it would have been obvious to one of ordinary skill in the art, to modify the system of the combination by placing within the packet header service specific information, as shown by Lim. This modification can be performed according to the teachings of Lim. This modification would benefit the system by allowing the receiver to process more than one type of data.

Regarding claim 11, the service management channel includes a byte of a path overhead of an optical transmission frame (virtual connection, col. 1 lines 55 - 58, Sonet, col. 2 lines 18-20).

Regarding claim 13, the message is a service performance report message (Watanabe: information about the current data sending quality is sent from sending terminal to receiving terminal, [0110]).

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Regarding claim 14 the first and second network elements are edge service switches and claim 15 the first and second network elements are core service switches, the examiner corresponds user A and user B to edge service switches / core service switches.

Regarding claim 16, the service is a synchronous service (AV data, [0111]).

Regarding claims 17 and 18, although the combination does not explicitly teach service providers, it would have been have been obvious to one of ordinary skill in the art, to modify the system of the combination by having a service provider manage the network. This modification would benefit the system since service providers are capable of optimizing the various components of a network.

3. Claim 12 rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Viswanathan, and Lim as applied to claim 10 above, and further in view of Kong (US 2002/0176450).

The combination is silent on Generic Framing Procedure client management frame.

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Kong teaches Generic Framing Procedure ([0013]).

Therefore it would have been obvious to one of ordinary skill in the art, to modify the system of the combination by transmitting the message using a Generic Framing Procedure, as suggested by Kong. This modification can be performed in software. This modification would benefit the system since Generic Framing Procedure is a standardized format and thus the system can be easily implemented into larger systems.

Allowable Subject Matter

4. Claims 1-9 and 19 are allowed.

Response to Arguments

5. Applicant's arguments with respect to claims 10-18 and 20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion


6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald

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Abelson whose telephone number is (571) 272-3165. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wing Chan can be reached on (571) 272-7439. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Ronald Abelson
Examiner
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